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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,235	06/27/2003	Niall O'Donoghue	881A.0012.U1(US)	8545
29683	7590	07/24/2006	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			LASHLEY, LAUREL L	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/608,235	<b>Applicant(s)</b> O'DONOGHUE, NIALL	
	<b>Examiner</b> Laurel Lashley	<b>Art Unit</b> 2132	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/27/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
- 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 02/23/2004 was filed after the mailing date of the application on 06/27/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 –14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "the device", "said plurality of usage contexts". There is insufficient antecedent basis for this limitation in the claim.

Claims 7 and 12, 13 and 14 recite the limitation "the device". There is insufficient antecedent basis for this limitation in the claim.

The identified rejections are exemplary and corrections are required throughout the entire application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1 –14 are rejected under 35 U.S.C. 102(e) as being anticipated by Banatre et al. in US PGPub No. 2002/0028683 (hereinafter USPGPub '683).

As for claim 1, USPGPub '683 discloses:

A method for authenticating a user of an electronic device in a plurality of usage contexts the user is able to use with the electronic device, characterized in that the method comprises: maintaining a centralized register of the usage contexts available for the device and prestored user profiles associated with each of the usage contexts, the device entering a particular one of said plurality of usage contexts, the device identifying said entering, selecting from the centralized register a user profile in response to said identifying, and performing authentication in the selected usage context by using data from the selected user profile. (Abstract, see [0027] – [0031])

As for claim 2, USPGPub '683 discloses:

A method according to claim 1, characterized by said user profile comprising at least one of the following: a user key, a user certificate. (see [0027])

As for claim 3, USPGPub '683 discloses:

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A method according to claim 2, characterized by said user key further comprising at least one of the following a public key and a secret key. (see [0027])

As for claim 4, USPGPub '683 discloses:

A method according to claim 1, characterized by said usage context comprising an event in a service or application being used in the device by the user, said event further comprising at least one of the following: authentication event, verifying event. (see [0027])

As for claim 5, USPGPub '683 discloses:

A method according to claim 1, characterized by the authentication comprising authenticating user's identity when accessing to selected usage context. (see Abstract, [0001] and [0025])

As for claim 6, USPGPub '683 discloses:

A method according to claim 1, characterized by the authentication comprising authenticating a transaction made by the user in selected usage context. (see Abstract, [0001] and [0025])

As for claim 7, USPGPub '683 discloses:

An electronic device (200) for authenticating a user of said electronic device in a plurality of usage contexts the user is able to use with the electronic device, characterized in that the device comprises: a centralized register (202, 209) of the usage contexts available for the device and prestored user profiles associated with each of the usage contexts, entering means (201-203, 208) for entering a particular one of said plurality of usage contexts, identifying means (201-203, 208) for identifying said entering, selecting means (201-203, 208, 209) for selecting from the centralized register a user profile in response to said identifying, and performing means (201-203, 208, 209) for performing authentication in the selected usage context by using data from the selected user profile. (Abstract, see [0027] – [0031])

As for claim 8, USPGPub '683 discloses:

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An electronic device according to claim 7, characterized in that said performing means are arranged to perform said authenticating process by using said data from the selected user profile to authenticate the user's identity when accessing the user to said usage context.

As for claim 9, USPGPub '683 discloses:

An electronic device according to claim 7, characterized in that said performing means are arranged to perform said authenticating process by using said data from the selected user profile to authenticate a transaction made by the user in said usage context. (see Abstract, [0001] and [0025])

As for claim 10, USPGPub '683 discloses:

An electronic device according to claim 8, characterized in that said user profile comprises at least one of the following: user key and user certificate. (see [0027])

As for claim 11, USPGPub '683 discloses:

An electronic device according to claim 10, characterized in that said user key further comprises public key and secret key. (see [0027])

As for claim 12, USPGPub '683 discloses:

An electronic device according to claim 11, characterized in that said device is a mobile communication device. ([see 0018])

As for claim 13, USPGPub '683 discloses:

An electronic device (200) for authenticating a user of said electronic device in a plurality of usage contexts the user is able to use with the electronic device, characterized in that the device comprises: a centralized register (202, 209) of the usage contexts available for the device and prestored user profiles associated with each of the usage contexts, an interface (201-205, 208) for entering a particular one of said plurality of usage contexts, a processor (201) configured to: identifying said entering, selecting from the centralized register a user profile in

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response to said identifying, and performing authentication in the selected usage context by using data from the selected user profile. (Abstract, see [0027] – [0031])

As for claim 14, USPGPub '683 discloses:

A computer program product for an electronic device (200) for authenticating a user of said electronic device in a plurality of usage contexts the user is able to use, characterized in that the computer program product comprises: computer program code for causing the device to maintain a centralized register of the usage contexts available for the device and prestored user profiles associated with each of the usage contexts, computer program code for causing the device entering to a particular one of said plurality of usage contexts, computer program code for causing the device to identifying said entering, computer program code for causing the device to select from the centralized register a user profile in response to said identifying, and computer program code for causing the device to perform authentication in the selected usage context by using data from the selected user profile. (Abstract, see [0027] – [0031])

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zhang et al in US PGPub No. 2002/0174335, LeMay et al. in US PGPub No. 2003/0176218, and Raduchel et al in US Patent No. 6338138 disclose ideas parallel to Applicant's claimed invention.

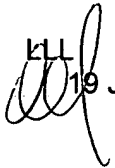
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.

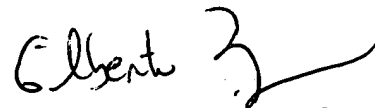
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurel Lashley  
Examiner  
Art Unit 2132

 19 July 2006

  
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